

TULSA METROPOLITAN AREA PLANNING COMMISSION  
MINUTES of Meeting No. 1469  
Wednesday, August 17, 1983, 1:30 p.m.  
Langenheim Auditorium, City Hall  
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Beckstrom Draughon Flick Higgins Hinkle, Secretary Kempe, Chairman Petty, 2nd Vice- Chairman Woodard T. Young	C. Young Inhofe	Compton Martin Wilmoth Lasker	Jackere, Legal Department

The notice and agenda of said meeting were posted in the office of the City Auditor, Room 919, City Hall, on August 16, 1983, at 9:54 a.m., as well as in the Reception Area of the INCOG Offices.

Chairman Kempe called the meeting to order at 1:40 p.m.

MINUTES:

On MOTION of HINKLE, the Planning Commission voted 6-0-1 (Draughon, Hinkle, Kempe, Petty, Woodard, T. Young, "aye"; no "nays"; Beckstrom "abstaining"; Flick, Higgins, C. Young, Inhofe, "absent") to approve the minutes of July 20, 1983, (No. 1465) and July 27, 1983, (No. 1466).

DIRECTOR'S REPORT:

Mr. Lasker advised the Staff met with the Protective Inspections Department after the Planning Commission wrote a letter concerning the numerous lot splits, variances that exists in PUD's because the developers or builders are not placing the structures correctly on the subject lots. In one instance 7' must be taken off of a building. As a result of the meeting the Protective Inspection's Department will require surveys on certain developments which could cause violations to the Zoning Code. By calling for the surveys it would help alleviate so many applications being filed with the Board of Adjustment and Planning Commission.

At the same meeting the issue of enforcing the Zoning Code was discussed. The Protective Inspection's Department does not have the manpower available to dedicate to the enforcement of the Code, and it has not been made a priority for them by the elected officials.

Two methods were considered in determining a solution. The first, when an illegal use is discovered an informational letter could be sent out stating the violation and allow the individual 10 days in which to respond. A copy of that letter would be submitted to Protective Inspections and the Legal Department. If the Legal Department and Protective Inspection's Department is made aware of an illegal use they too would follow the same procedure. The second possible solution is to have the Staff dedicated to enforcing the Code. A position paper could be prepared and presented to the City Commission to the effect that it is a neglected area and thought should be given in the budget process for funding of a

Director's Report: (continued)

position solely for enforcing the Zoning Code.

Mr. Compton advised presently Protective Inspection's Department makes an inspection when the stem wall is constructed and they now intend to make a second inspection to further alleviate violations which have been so prevalent. Commissioner T. Young suggested that a written response be given to the Planning Commission from the Building Inspection's Department concerning both possible solutions.

Commissioner T. Young then questioned if the Planning Commission had reached a decision of whether to accept applications requesting variances of setback after the fact. It was advised that Ray Green, Chief of Protective Inspections, contacted Roger Reinhardt of Tulsa Builders Association who is very concerned with this problem. The Association proposes to adopt some selfpolicing of their own membership causing peer pressure on those outside their membership

One solution discussed by the Commission was the possibility of charging a larger fee for the variance request. Mr. Compton suggested if the Commission decides to place a large fee on the variances that they consider a fee schedule based upon the extent of encroachment. Mr. Lasker advised that requiring a fee was discussed at length at the meeting with Protective Inspections and it was suggested that the variances be considered as major variances rather than minor in nature. Mr. Jackere, Legal Department, felt it would be inappropriate for the Planning Commission or Board of Adjustment to punish an applicant by requiring an enormous fee as each case is decided on its own merits and arise for different reasons. He felt that the Commission might consider adopting a different policy to relieve the problem in terms of what is considered minor.

Mr. Petty was in full agreement with Mr. Jackere's statements and suggested that the current policy has only encouraged slopiness. He felt the burden should be on the building contractor rather than on Protective Inspections.

It was suggested that a meeting of the Rules and Regulations Committee meet to discuss the problems discussed. Mr. Petty suggested that the Planning Commission request builders or their representatives to be present at the hearing to voice their opinion, which could be very helpful in making a determination or solution. Mr. Draughon requested that the Staff supply the Planning Commission with information on the number of variances which the Commission has taken action in the last six months and Mr. Compton advised that information to that affect has been prepared over the last 12 months. The Planning Commission received approximately 52 variance requests and 18 of those requests or 35% were after the fact.

It was suggested that there be a meeting conducted after the scheduled 1:30 p.m. public hearing on August 31, 1983, to discuss variances and encroachments. It was suggested that this item be advertised to allow builders and/or contractors to be in attendance. Chairman Kempe suggested this matter be discussed at the hearing with a committee of the whole and advised the Staff to advertise this item. Chairman Kempe also requested that the Commission write a letter requesting the legal opinion concerning INCOG's and the TMAPC's involvement in Zoning Code enforcement to be presented at the August 31, 1983, hearing.

SUBDIVISIONS:

65th West Avenue Mobile Home Park (892) West 11th Place and South 65th West Avenue (RMH)

Mr. Wilmoth advised the developer's engineer was present at the T.A.C. meeting and the plat previously received sketch plat approval, but all the conditions of the sketch plat were not met. Since there were notices sent out on this matter, Mr. Wilmoth suggested that it be continued to September 7, 1983. (The applicant was agreeable to continuance, but was not present at the Planning Commission meeting.)

On MOTION of PETTY, the Planning Commission voted 9-0-0 (Beckstrom, Draughon, Flick, Higgins, Hinkle, Kempe, Petty, Woodard, T. Young, "aye"; no "nays"; no "abstentions"; C. Young, Inhofe, "absent") to continue consideration of the Preliminary Plat of 65th West Avenue Mobile Home Park, until September 7, 1983, at 1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa Civic Center.

Final Plat and Release:

Gleneagles Addition, Blocks 4-6 (PUD #183) (183) 64th Street and South 91st East Avenue (RS-3, RM-1)

Lansing Industrial Park I (3602) SW corner of Lansing and Marshall Ave's. (IM)

The Staff advised the Commission that these plats had met all conditions, all approval letters had been received and final approval and release was recommended.

On MOTION of HIGGINS, the Planning Commission voted 9-0-0 (Beckstrom, Draughon, Flick, Higgins, Hinkle, Kempe, Petty, Woodard, T. Young, "aye"; no "nays"; no "abstentions"; C. Young, Inhofe, "absent") to approve the final plats of Gleneagles, Blocks 4-6 and Lansing Industrial Park I and release same as having met all conditions of approval.

Extension of Approval:

2221 Centre Addition (3093) 2221 East 51st Street (CO and CS)

Mr. Wilmoth advised the applicant is involved in financing and still working on the planning for this particular project and has requested a one-year extension. The Staff recommended approval of the one-year extension request.

On MOTION of HINKLE, the Planning Commission voted 9-0-0 (Beckstrom, Draughon, Flick, Higgins, Hinkle, Kempe, Petty, Woodard, T. Young, "aye"; no "nays"; no "abstentions"; C. Young, Inhofe, "absent") to approve a one-year extension of 2221 Centre Addition.

Change of Access Review:

West Highlands II (PUD #159) (382) East side of South 33rd West Avenue, south of West 61st Street (RM-1, RS-3)

The development plan was not known at the time of platting. This will add one access in 918' for a total of 3 access points to the  
8.17.83:1469(3)

West Highlands II (PUD #159) (continued)

development. They will be over 400' apart, well over the 300' minimum spacing usually required.

Recommendation of the Traffic Engineer was APPROVAL and the Staff recommendation was also for APPROVAL.

On MOTION of HIGGINS, the Planning Commission voted 9-0-0 (Beckstrom, Draughon, Flick, Higgins, Hinkle, Kempe, Petty, Woodard, T. Young, "aye"; no "nays"; no "abstentions"; C. Young, Inhofe, "absent") to approve the requested change of access for West Highlands II Addition.

LOT SPLITS:

For Ratification of Prior Approval:

L-15920 ( 583)	Don Welch	L-15933 (3293)	Osage Oil Company
15925 (1082)	Bill Tims	15939 (3602)	T.U.R.A.
15930 ( 283)	Al Hartshorne	15940 (3602)	T.U.R.A.
15931 ( 283)	Al Hartshorne	15941 (1492)	T.U.R.A.
15932 ( 293)	E. S. Kelley	15942 (3602)	T.U.R.A.

On MOTION of PETTY, the Planning Commission voted 9-0-0 (Beckstrom, Draughon, Flick, Higgins, Hinkle, Kempe, Petty, C. Young, Woodard, "aye"; no "nays"; no "abstentions"; C. Young, Inhofe, "absent") that the approved lot splits listed above be ratified.

For Waiver of Lot Split Requirements:

L-15911 and L-15912 Dale Merchant (2792) NE corner of West 45th Street and South 30th West Avenue (RS-3)

This is to split three (3) duplexes down the party walls. They have recently been completed and the split is to permit separate ownership of each side. The Staff has no objection, subject to the applicant filing an agreement that provides for maintenance of commonly owned utilities, etc., and Board of Adjustment approval of the lot widths. (The applicant is to furnish "as-built" surveys of all duplexes.)

The applicant was represented.

In addition to the maintenance agreement, the applicant is asked to provide a mutual access easement for the lots, waterline, and other utilities.

The Technical Advisory Committee and Staff recommended approval of L-15911 and L-15912, subject to the conditions.

On MOTION of HIGGINS, the Planning Commission voted 9-0-0 (Beckstrom, Draughon, Flick, Higgins, Hinkle, Kempe, Petty, Woodard, T. Young, "aye"; no "nays"; no "abstentions"; C. Young, Inhofe, "absent") to waive the lot split requirements and approve L-15911 and 15912, subject to the following conditions:

- (a) Board of Adjustment approval,
- (b) maintenance agreement, and
- (c) access easement parallel to 30th West Avenue, (25').

CONTINUED ZONING PUBLIC HEARING:

CZ-91 Sylvester SE corner of Coyote Trail and U. S. Highway #51 AG to CG & RS

PUD #322 Sylvester SE corner of Coyote Trail and U. S. Highway #51 AG

Applicant's Comments:

Mr. Jack Sylvester advised when the application was first filed Cimmaron Run was not in existence in the subject area and after procedures to locate the racetrack in this area the zoning was changed. Consequently, the applicant decided to withdraw the application. If refunding of a portion of the fees is in order Mr. Sylvester requested that it be approved.

Mr. Compton advised the Staff has spent a minimal amount of time on the application by field checking and placing signs on the property and processing the field maps. The Staff was not opposed to a partial refund of fees. He explained the step by step fee schedule involved in the application and then advised the base fee for the PUD and zoning application totaled \$235 and that the other fees as those for notice and posting of the property had been used.

Chairman Kempe advised a letter was submitted from Mr. Jack Sylvester, who requested that the applications be withdrawn and any refund of fees be granted (Exhibit "A-1").

Instruments Submitted: Letter requesting withdrawal and refund of fees from Mr. Jack Sylvester (Exhibit "A-1")

TMAPC Action: 9 members present:

On MOTION of PETTY, the Planning Commission voted 9-0-0 (Beckstrom, Draughon, Flick, Higgins, Hinkle, Kempe, Petty, Woodard, T. Young, "aye"; no "nays"; no "abstentions"; C. Young, Inhofe, "absent") to refund \$235 to the applicant and to withdraw this item from the agenda.

Application No. Z-5854 Present Zoning: RS-1  
Applicant: Hall (Guaranty National Bank) Proposed Zoning: CH  
Location: NE corner of Admiral Place and Lynn Lane

---

Date of Application: June 2, 1983  
Date of Hearing: August 17, 1983  
Size of Tract: 5.5 acres

Presentation to TMAPC by: Mike Taylor  
Address: 5359 South Sheridan Road Phone: 622-0151

Relationship to the Comprehensive Plan: Z-5854

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District -- Low Intensity Residential until a need for industrial intensities are demonstrated.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts", the requested CH District is not in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 5.5 acres in size and located at the northeast corner of Admiral Place and Lynn Lane. It is partially wooded, flat, vacant and zoned RS-1.

Surrounding Area Analysis -- The tract is abutted on the north by I-44, on the east by large lot single-family dwellings zoned RS-1, on the south by a mixture of single-family and commercial uses zoned CS, and on the west by vacant land zoned RS-1.

Zoning and BOA Historical Summary -- Past zoning actions have established a five-acre tract of CS at the southeast corner of the intersection and the area between I-44 and Admiral Place is in transition to industrial uses.

Conclusion -- Since the CH is inappropriate for the area, but the Comprehensive Plan calls for industrial intensity uses and the Development Guidelines allows a medium intensity node at the intersection, the Staff can support CS zoning.

Therefore, the Staff recommends APPROVAL of CS and DENIAL of CH or CG.

Applicant's Comments:

Mr. Mike Taylor represented Sisemore-Sack-Sisemore and Associates, Inc., and advised his client who proposes to place a four wheel drive recreation vehicle or retail sales use on the property is in agreement with the Staff recommendation to zone the property CS.

Protestants: Margaret Frommel Address: 17929 East Admiral Place

Protestant's Comments:

Mrs. Frommel stated that she was very concerned with the RS-1 zoned property located adjacent to the subject property. Mr. Mills, who owns the RS-1 zoned property adjacent the subject tract, wishes to use this property for storage of wrecked trailers and overflow storage for his business west of here on Admiral Place. Mrs. Frommel was not

Application No. Z-5854 (continued)

extremely opposed to the zoning in question, but was fearful that most of the area surrounding her residence would become industrial in nature. Mrs. Frommel presented four (4) photographs of Mr. Mills' property to the Commission for their review. She was advised that Mr. Mills has filed a zoning application to rezone his property to IL and will appear before the Commission in September.

Applicant's Comments:

Mr. Taylor submitted a site plan showing the proposed site, open area, paving and access. He again stated he was totally in agreement with the Staff recommendation and felt that CS would be the most beneficial use for the subject property.

Mr. Beckstrom questioned the uses permitted under the CS zoning classification and Mr. Compton briefly discussed the various use units permitted in a CS District. He advised the Commission of the other uses which would require an exception by the Board of Adjustment. In summary, the CS District is basically a Commercial Retail District which is the least intense commercial district. The Staff's recommendation for CS is based upon the existing CS zoning which occurs at the other corner.

It was advised that Mrs. Frommel's main concern was the possible undesirable use of the lot adjacent to the subject property and Chairman Kempe informed those concerned that the reported use, if in violation, could be reported to the City Protective Inspection's Office who could stop the storage use.

Special Discussion for the Record:

Mr. Petty stated that the Commission's decision on the subject property will have a bearing on Mr. Mills' tract when it comes before the Commission. Chairman Kempe advised the subject property and Mr. Mills' property are both located across from currently zoned CS zoned land.

Commissioner T. Young felt that the surrounding area is residentially zoned and felt that approval of CS on the subject tract would set a precedent for further CS and IL zoning.

Mr. Compton advised there was a special study on the subject area and that area was designated as a Special District for industrial development and the Staff's recommendation is based on the fact that the industrial development is designated by the Plan as being medium intensity. Plans call for a buffer strip with transitioning on to the typical subdistrict low intensity residential uses south of that buffering. Based upon the request for CH and the fact that the guidelines would allow medium intensity at the intersection, the Staff could support no more than CS zoning on the subject tract.

Instruments Submitted: Four Photographs of the RS-1 property adjacent  
the subject property (Exhibit "B-1")  
Site Plan (Exhibit "B-2")

TMAPC Action: 9 members present.

On MOTION of HIGGINS, the Planning Commission voted 8-1-0 (Beckstrom, Draughon, Flick, Higgins, Hinkle, Kempe, Petty, Woodard, "aye"; T. Young, "nay"; no "abstentions"; C. Young, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described

Application No. Z-5854 (continued)

property be rezoned CS as recommended by the Staff:

The W/2 of the W/2 of Lot 4; and the W/2 of the E/2 of the W/2 of Lot 4, of Section 1, Township 19 North, Range 14 East, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof.



OTHER BUSINESS:

PUD #128-A-7 Kouri Lot 8, Block 2, Hampshire Lane Addition

Staff Recommendation - Minor Amendment

The subject tract is located at 8729 South 80th East Avenue on property situated between South 80th East Avenue and Memorial Drive. Platted lot size is 50' x more or less 130'. Due to a building error on Lot 2, Block 2 to the north a dwelling was constructed 3.7' from the south lot line. This resulted in a domino effect resulting in encroachments on Lots 3, 4, 5, 6, and 7, of structures. Lot splits have been approved splitting 5' from the property to the south and adjoining it with the lot to the north. The present application is to allow Lot 8 to have only 45' of frontage and stopping the domino effect.

After review of the application and plot plan, the Staff finds the request to be minor in nature and recommends approval for a 45-foot frontage on Lot 8, Block 2, Hampshire Lane Addition, per survey submitted.

Additional Staff Comments:

Mr. Compton advised the applicant requested a lot split and has which could have been approved as a prior approval, but the Staff was aware that there would be a problem with one of the other lots in time. The Staff refused to recommend prior approval of the lot split without a minor amendment showing the exact plans and relief sought. The applicant is requesting a 5' variance on Lot 8, Block 2 of Hampshire Lane Addition making it a 45' wide lot.

Applicant's Comments:

Dwight Kouri, attorney, represented the applicant. The applicants, Mr. Clark and Mr. Rollins, engaged the services of a builder to oversee construction of these lots and the construction was not done properly, therefore, the domino effect resulted. Their only choice in trying to sell the lots was to make up the difference in the lots by making one lot 5' less than the others. He, therefore, requested that the amendment be granted. Mr. Kouri advised his clients have made arrangements for a different builder for the remainder of the development and are very appologetic for this mistake. He felt this was a case of lack of supervision.

The Commission was concerned that this incident happened and was sympathetic with the applicant.

TMAPC Action: 9 members present.

On MOTION of FLICK, the Planning Commission voted 8-0-1 (Beckstrom, Draughon, Flick, Higgins, Hinkle, Kempe, Woodard, T. Young, "aye"; no "nays"; Petty, "abstaining"; C. Young, Inhofe, "absent") to approve the requested minor amendment to PUD #128-A-7.

PUD #294-3 Walker Tracts A, B and C, Block 3, Mill Creek Bridge Addition

Staff Recommendation - Minor Amendment

The subject tracts are located on the northwest corner of South Norwood Avenue and East 95th Place South. The original Lot 7 contained a large single-family dwelling and was platted as one lot, but a previous lot split has created 3 lots instead of 1. The applicant has applied for an amendment to the 10' and 0' required

side yards on these tracts to allow side yards of 5' and 5'.

After review of the application, the Staff finds the request to be minor in nature. Upon review of the original text for PUD #294, 10' and 0' side yards were approved with the intent to be a minimum of 10' spacing between dwellings and not allowing two dwellings having a 0' side yard in common thus creating a duplex. The Staff recommends APPROVAL to amend the side yard requirements from 10' and 0' to 5' and 5' with the condition that no two dwellings on these and/or abutting lots have a separation of less than 10'.

Applicant's Comments:

Mr. Don Walker, president of General Properties Development Corp., the builder for this project, stated the purchaser of lot 7 divided the lot into three parcels. He assured the Commission that circumstances call for the west side of these lots to be 0', so the neighbor to the west would be required to construct his house 10' from the property line. The builders of the subject property will pull back 5', therefore, leaving 15' between the house constructed on the subject property and the house to the west. The applicant's house will setback 5' from the property line to the east providing a 10' separation between each of the houses. The lot to the east is a corner lot and allows the applicant to pull back into the lot so as to meet the concept of the PUD by maintaining that 10' spacing between the homes. Mr. Walker submitted copies of the site plans for the houses.

Chairman Kempe questioned if the Commission approved this request, if it would be creating another domino effect. Mr. Compton advised the Staff had that same concern and felt if the applicant was granted the 5' side yard that he should maintain that separation of 10' in-between units.

Instruments Submitted: Site Plan for the 3 proposed houses (Exhibit "C-1")

TMAPC Action: 9 members present.

On MOTION of T. YOUNG, the Planning Commission voted 9-0-0 (Beckstrom, Draughon, Flick, Higgins, Hinkle, Kempe, Petty, Woodard, T. Young, "aye"; no "nays"; no "abstentions"; C. Young, Inhofe, "absent") to approve the requested minor amendment to PUD #294-3.

The Commission then spent some time inquiring as to Mr. Walker's opinion concerning the increased number of applications dealing with minor variances, minor amendments, lot splits and variances.

There being no further business, the Chair adjourned the meeting at 3:11 p.m.

Date Approved August 31, 1983  
Cherry Kempe  
Chairman

ATTEST:  
Marilyn Shinde  
Secretary